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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,734	03/28/2006	Laurent Tricaud	FR 030116	2254
65913	7590	02/21/2008		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131			EXAMINER HENRY, MARIEGEORGES A	
			ART UNIT 2155	PAPER NUMBER
			NOTIFICATION DATE 02/21/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

## Office Action Summary

Application No.

10/573,734

Applicant(s)

TRICAUD, LAURENT

Examiner

MARIE GEORGES HENRY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This is in response to the application filed on 3/28/ 2006. Claims 1-12 are pending. Claims 1-12 directed to a method of playing a multimedia content transmitted by a third-party on a user device.

### **Claim Rejections - 35 USC § 102**

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Cohn et al. (hereinafter "Cohn") (US 6,317,791 B1).

Cohn discloses the invention as claimed including a method of playing a multimedia content transmitted by a third-party on a user device (see abstract).

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Regarding claim 1, Cohn discloses a user device comprising:

- means for communicating via a network (Cohn, column 3, lines 62-63, remote processing devices are linked through a communication network),
- means for booting (Cohn, column 5, lines 22-26, a basic input/output system helps transferring information during start-up ),
- means for implementing, during said booting, a protocol for transmitting a multimedia content by a third-party device to said user device via said network (Cohn, column 5, lines 22-25, a basic input/output system contains basic routines that help transferring information between elements within the personal computer during start-up).
- means for playing, during said booting, a multimedia content transmitted by said third-party device (Cohn, column 7, lines 42-46, data containing an advertisement is selected, active, upon detection of idle period, start-up time ).

Regarding claim 2, Cohn discloses a user device as claimed in claim 1 comprising a memory for storing a multimedia content, wherein: a) said protocol-implementing means comprise:

- means for transmitting a first request asking whether said third-party device has a multimedia content to download to said user device (Cohn, column 6, lines 50-60, a mechanism for transmitting a request to the host server is described ),

- means for receiving a response to said first request (Cohn, column 6, lines 50-54, a communication system makes it possible for a browsing device to contact a remote server),
  - means for sending a second request, depending at least on said response, said second request asking for the download of a multimedia content (Cohn, column 6, lines 50-60, a communication system make it possible for a browsing device to contact a remote server in order to play the data according to predefined conventions),
  - means for receiving the downloaded multimedia content (Cohn, column 6, lines 1-5, a browser program is implemented to cause a graphical user interface to be displayed on a monitor ),
  - means for storing the received content in said memory (Cohn, column 5, lines 26-39, storage systems that store a media content are disclosed),
- and b) said playing means are designed to play a multimedia content stored in said memory prior to said downloading (Cohn, column 5, lines 14-25, a system is disclosed that can read, play, a media content before downloading it),

Regarding claim 3, Cohn discloses a user device as claimed in claim 1 wherein:

- a) said protocol-implementing means comprise: means for transmitting a request asking for the streaming of a multimedia content (Cohn, column 6, lines 50-60, a mechanism for transmitting a request to the host server is described ),

and - means for receiving a multimedia content streamed by said third-party device in response to said request (Cohn, column 6, lines 1-5, a browser program is implemented to cause a graphical user interface to be displayed on a monitor ),

and b) said playing means are designed to play the streamed multimedia content as it is received (Cohn, column 8, lines 2-9, a browsing device event interacts with a user interface of the browsing device to display the media content).

Regarding claim 4, Cohn discloses a user device as claimed in claim 3 comprising means for stopping playing when said booting is finished (Cohn, column 8, lines 5-9, a browsing device will stop loading at the end of the booting process).

Regarding claim 5, Cohn discloses a method of playing a content on a user device having means for communicating via a network, said method comprising the steps of:

- booting said user device (Cohn, column 8, lines 37-38, a start-up device is described),
- implementing, during said booting, a protocol for transmitting a multimedia content by a third-party device to said user device via said network (Cohn, column 5, lines 22-25, a basic input/output system contains basic routines that help transferring information between elements within the personal computer during start-up),

playing, during said booting, a multimedia content transmitted by said third-party device (Cohn, column 5, lines 14-25, a system is disclosed that can read, play, a media content before downloading it),

Regarding claim 6, Cohn discloses a method as claimed in claim 5 of playing a multimedia content on a user device which comprises a memory for storing a multimedia content, wherein: a) said protocol-implementing step comprises:

- transmitting a first request from said user device, said first request asking whether said third-party device has a multimedia content to download to said user device (Cohn, column 6, lines 50-60, a mechanism for transmitting a request to the host server is described ),
- transmitting a response to said user device, at least if said third-party device has a multimedia content to download (Cohn, column 6, lines 50-60, a communication system that allows a user device to contact a remote server in order to play the data according to predefined conventions is disclosed ),
- transmitting a second request from said user device depending at least on said response, said second request asking for the download of said multimedia content (Cohn, column 6, lines 50-54, a communication system makes it possible to a user device to contact a remote server),
- downloading said multimedia content from said third-party device to said user device (Cohn, column 6, lines 1-5, a browser program is implemented to cause a graphical user interface to be displayed on a monitor ),

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- storing the downloaded multimedia content in said memory (Cohn, column 5, lines 26-39, storage systems that store media content are disclosed ),

and b) said playing step comprises playing a multimedia content stored in said memory prior to said downloading (Cohn, column 5, lines 14-25, a system is disclosed that can read, play, a media content before downloading it),

Regarding claim 7, Cohn discloses a method as claimed in claim 5 of playing a multimedia content on a user device, wherein: a) said protocol-implementation step comprises: transmitting a request from said user device, said request asking for the streaming of a multimedia content (Cohn, column 6, lines 50-60, a mechanism for transmitting a request to the host server is described),

- streaming a multimedia content from said third-party device to said user device in response to said request (Cohn, column 6, lines 1-5, a browser program is implemented to cause a graphical user interface to be displayed on a monitor ),

and b) said playing step comprises playing the streamed multimedia content on said user device, as it is received (Cohn, column 8, lines 2-9, a browsing device event interacts with a user interface of the browsing device to display the media content).



Regarding claim 8, Cohn discloses a method of playing a multimedia content as claimed in claim 5, wherein said multimedia content is customized by said third-party (Cohn, column 7, lines 53-55, the most appropriate advertisement is selected).

Regarding claim 9, Cohn discloses a method of playing a multimedia content as claimed in claim 5, wherein said multimedia content is compressed (Cohn, column 4, lines 45-46, an application –specific Integrated Circuit is coupled to a video encoder).

Regarding claim 10, Cohn discloses a third-party device having means for communicating via a network and means for implementing a protocol for transmitting a multimedia content to a user device via said network, said protocol-implementing means comprising: means for receiving a first request sent by said user device, said first request asking whether said third-party device has a multimedia content to download to said user device (Cohn, column 6, lines 50-60, a mechanism for transmitting a request to the host server is described ),

means for transmitting a response to said user device, at least if said third-party device has a multimedia content to download to said user device (Cohn, column 6, lines 50-54, a communication system that allows a user device to contact a remote server is disclosed ),

means for receiving a second request sent by said user device, said second request asking for the download of a multimedia content (Cohn, column 6, lines 50-60, a

communication system that allows a user device to contact a remote server in order to play the data according to predefined conventions is disclosed).

means for downloading a multimedia content to said user device upon reception of said second request (Cohn, column 8, lines 2-9, a browsing device event interacts with a user interface of the browsing device to display the media content).

Regarding claim 11, Cohn discloses a system comprising at least a user device, a third-party device and a network, wherein said user device and said third-party device comprise means for communicating via said network, and means for implementing a protocol for transmitting a multimedia content by said third-party device to said user device, said user device further comprising: means for booting (Cohn, column 8, lines 37-38, a start-up device is described),

means for initiating implementation of said protocol during said booting (Cohn, column 5, lines 22-25, a basic input/output system contains basic routines that help transferring information between elements within the personal computer during start-up),

and means for playing, during said booting, a multimedia content transmitted by said third-party device (Cohn, column 7, lines 42-46, data containing an advertisement is selected, active, upon detection of idle period, start-up time ).

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Regarding claim 12, Cohn discloses a program comprising instructions for implementing a method as claimed in claim 5, when executed by a microprocessor of a user device (Cohn, column 3, lines 56-63, a system with a microprocessor and a hand-held device is disclosed).

5. The prior arts made of record and not relied upon are considered pertinent to applicant's disclosure. Burke (US 6,819, 340 B2) is made part of the record because of the teaching of QuickLaunch Bar display. Lucovsky et al. (US 6,836,794 B1) is made part of the record because of start menu. Liao et al. (US 7,245,926 B2) is made part of the record because of download service. Gatto et al. (US 7,297,062 B2) is made part of the record because of gaming services. Kuriyama (US 7,152,091 B2) is made part of the record because of the teaching of downloading. Cook (US 7,197,038 B1) is made part of the record because of the teaching of Quality of service.

### Conclusion

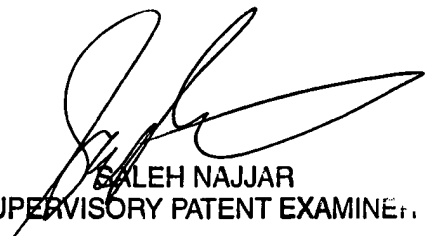
6. Any inquiry concerning this communication from the examiner should be directed to **Marie Georges Henry whose telephone number is (571) 270-3226**. The examiner can normally be reached on Monday to Friday 7:30am - 4:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information

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MH 2/8/2008

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